

Motion Granted; Abatement Order filed August 7, 2018.



In The

Fourteenth Court of Appeals

NO. 14-17-00685-CR

NELSON GARCIA DIAZ, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 228th District Court
Harris County, Texas
Trial Court Cause No. 1555099**

ABATEMENT ORDER

Appellant challenges the trial court's order denying his motion to suppress. Although appellant requested findings of fact and conclusions of law, none have been filed. When the losing party on a motion to suppress requests findings of fact and conclusions of law, the trial court is required to make them. *State v. Cullen*, 195 S.W.3d 696, 698–99 (Tex. Crim. App. 2006). Appellant filed a motion to abate the appeal to permit the trial court to make the requested findings of fact and conclusions of law. The motion is granted.

Accordingly, the trial court is directed to reduce to writing its findings of fact and conclusions of law on the denial of appellant's motion to suppress and have a supplemental clerk's record containing those findings filed with the clerk of this court within thirty days of the date of this order.

The appeal is abated, treated as a closed case, and removed from this court's active docket. The appeal will be reinstated on this court's active docket when the trial court's findings and recommendations are filed in this court. The court will also consider an appropriate motion to reinstate the appeal filed by either party.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Donovan and Brown.